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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/657,990 | 09/09/2003 | Francis J. Ossmann | 586-056 | 1289 |

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| EXAMINER |
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GREEN, BRIAN

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| ART UNIT | PAPER NUMBER |
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3611

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,990

Applicant(s)

OSSMANN, FRANCIS J. 

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 1-10 and 12-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indicia defined in claims 2,7,16, and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on line 3 legal phraseology “means” is used which is improper. Correction is required. See MPEP § 608.01(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “Activation control arm” in claims 1 and 16, the specification refers to the arm as an “arm member”. “Support plate” in claims 12-15 and 18-20, the specification refers to the plate as a “support panel”. “Holding plate” in claims 14,15, and 20, the specification refers to the plate as an “interior plate”.

Claim Objections

Claims 1-20 are objected to because of the following informalities: In claim 1, section D., subsection b., lines 3 and 5 (two occurrences on each line), “its” should be “the” to make it clear that the applicant is referring to the same position/configuration mentioned earlier. In claim 1, last paragraph, lines 1 and 2, “its” should be “the” to make it clear that the applicant is referring to the same configuration mentioned earlier. In claim 2, lines 2 and 4, “panel members” should be “panels” since there is no antecedent basis for “panel members”. In claim 3, lines 4 (twice), “a” should be “the” to make it clear that the applicant is referring to the same configuration mentioned earlier. In claim 4, line 3, “its” should be “the” to make it clear that the applicant is referring to the same configuration mentioned earlier. In claim 5, line 2, “generating member” should be “generating assembly”. In claim 6, line 3, “panel members” should be “of the panels” to make it clear the applicant is referring to the same panels defined in claim 1. In claim 7, line 3, “the panel members” should be “the panels”. In claim 9, lines 6 and 7, “a” should be “the” to make it clear that the applicant is referring to the same configuration

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mentioned earlier. In claim 10, line 3, "its" should be "the". In claim 12, line 3, "a panel member" should be "one of the panels". In claim 13, lines 4 and 6, "its" should be "the" to make it clear that the applicant is referring to the same configuration mentioned earlier. In claim 14, line 4, "a panel member" should be "one of the panels". In claim 14, line 5 (twice occurring), "its" should be "the" to make it clear that the applicant is referring to the same configuration mentioned earlier. In claim 16, section B., lines 5-6, "panel members" should apparently be "panels". In claim 16, lines 8 and 9, "a" should be "the" to make it clear that the applicant is referring to the same configuration mentioned earlier. In claim 16, section D., subsection b., lines 3 and 5 (two occurrences on each line), "its" should be "the" to make it clear that the applicant is referring to the same position/configuration mentioned earlier. In claim 16, section D., subsection b., lines 7 and 8, "its" should be "the" to make it clear that the applicant is referring to the same configuration mentioned earlier. In claim 17, line 3, "the panel members" should be "the panels". In claim 18, line 3, "a panel member" should be "one of the panels". In claim 19, lines 4 and 6, and claim 20, line 5, "its" should be "the" to make it clear that the applicant is referring to the same configuration mentioned earlier. In claim 20, line 4, "a panel member" should be "one of the panels". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 11 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 2, there is no antecedent basis for "said spring-force generating member". In claim 15, lines 2-4 are indefinite since it is not clear whether the first and second panel are part

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of the panels defined in claim 1 or are additional panels. In claim 16, section A., line 3, there is no antecedent basis for "the panel member". In claim 15, section B., lines 6 and 7 (two occurrences), it is not clear which panels are being referred in the phrase "said panels" since the housing includes a plurality of panels.

Allowable Subject Matter

Claims 1-10 and 12-14 are allowable over the prior art but includes objections that need to be corrected.

Claim 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and the objections, set forth in this Office action and the objections.

Claims 11,15, and 17-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maran, Jannes, Crowell, and Ward teach the use of biased folded displays. Hogue et al., Sasaki et al., Crowell, and Steiner teach the use of musical display devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
Nov. 1, 2004


BRIAN K. GREEN
PRIMARY EXAMINER